

ATTACHMENT 3

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2009

GRANTEE **NORTH CAROLINA**

EIN **566023166 E6**

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES – DIVISION OF SOCIAL
SERVICES
FOOD AND NUTRITION SERVICES & ENERGY PROGRAMS SECTION
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PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA _____

**Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447**

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

Expiration Date: 02/28/2005

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

GRANTEE NORTH CAROLINA

FFY 2009

Assurances

The NC Department of Health and Human Services – Division of Social Services
agrees to:

(grantee name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) * beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: _____

Title: Secretary of Department of Health and Human Services

Date: _____

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

statutory
references

2605(a)

2605(b)(1) ➔ Please check which components you will operate under the LIHEAP program: (Note: You must provide information for each component designated here as requested elsewhere in this plan.)

	<u>Dates of Operation</u>	
(use of funds)	<u>X</u> heating assistance	<u>winter months</u>
	<u>NA</u> cooling assistance	_____
	<u>X</u> crisis assistance	<u>year round</u>
	<u>X</u> weatherization assistance	<u>year round</u>

2605(c)(1)(C) ➔ Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

	<u>% of Grant</u>	<u>Dollars</u>
(use of funds)	<u>41.62 %</u> heating assistance	\$19,510,559
	<u> </u> % cooling assistance	
	<u>31.12 %</u> crisis assistance	\$14,588,514
2605(k)(1)	<u>13.37 %</u> weatherization assistance	\$6,268,946
	<u>6.24 %</u> heating repair/replacement	\$2,923,950
	<u> </u> % carryover to the following fiscal year	
2605(b)(9)	<u>7.53 %</u> administrative and planning costs	\$3,529,588
2605(b)(16)	<u>0</u> % services to reduce home energy needs including needs assessment (assurance 16)	
	<u>.12 %</u> Commission of Indian Affairs	\$60,947
	<u>100.00%</u> TOTAL	<u>\$46,882,504</u>

statutory
references

2605(c)(1)(C) ➔ The funds reserved for winter crisis assistance (alternate which have not been expended by March 15 will be use of crisis reprogrammed to:

assistance
funds)

 heating assistance

 cooling assistance

 weatherization assistance

 X Other(specify): Counties will use remaining funds for heating or cooling assistance in the crisis component.

➔ Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes X No

2605(b)(2) ➔ What are your maximum eligibility limits?

2605(c)(1)(A) (Please check the components to which they apply)

Current year guidelines must be used.

(eligibility)

 X 150% of the poverty guidelines:
heating cooling crisis X wx X

 125% of the poverty guidelines:
heating cooling crisis wx

 X 110% of the poverty guidelines:
heating X cooling crisis wx

 60% of the State's median income:
heating cooling crisis wx

 Other (specify for each component)

 Households automatically eligible if one person is receiving
 TANF, SSI, Food Stamps, Certain means-tested
veterans programs (heating cooling crisis wx)

GRANTEE NORTH CAROLINA

FFY 2009

statutory
references

2605(c)(1)(A)
2605(b)(2)
(eligibility)

→ Do you have additional eligibility requirements
for: HEATING ASSISTANCE Yes X No

→ Do you use: Yes No

Assets test? X

→ Do you give priority in eligibility to:

Elderly? X

Disabled? X

Young children? X

Other:
(If Yes, please describe) _____

statutory
references

2605(c)(1)(A)

2605(b)(2)

➔ Do you have additional eligibility requirements
for: **COOLING ASSISTANCE** (____ Yes ____ No) **N/A**

(eligibility)

**Note: Our Cooling Assistance is a component of our Crisis
Intervention Program (CIP) only.**

➔ Do you use: Yes No

Assets test? _____

➔ Do you give priority in eligibility to:

Elderly? _____

Disabled? _____

Young children? _____

Other: _____
(If Yes, please describe)

statutory
references

2604(c)
2605(c)(1)(A)

→ Do you have additional eligibility requirements for: **CRISIS ASSISTANCE** (____ Yes X No)

(eligibility)

	<u>Yes</u>	<u>No</u>
→ Do you use:		
Assets test?	<u>X</u>	_____
Must the household have received a shut-off notice or have an empty tank?	<u>X</u>	_____
Must the household have exhausted regular benefit?	<u>X</u>	_____
Must the household have received a rent eviction notice?	<u>X</u>	_____
Must heating/cooling be medically necessary?	<u>X</u>	_____
Other (Please explain):	_____	_____

→ What constitutes a crisis? (Please describe)

A household is in a crisis if it is experiencing or is in danger of experiencing a life threatening or health related emergency and sufficient, timely, and appropriate assistance is not available from any other source.

statutory
references

2605(c)(1)(A)

➔Do you have additional eligibility requirements for:
WEATHERIZATION (X Yes No)

(eligibility)

➔Do you use:

Yes No

Assets test?

 X

Priority groups? (Please list)

X

1. Elderly
2. Disabled
3. Families with children

➔Are you using Department of Energy (DOE) Low
Income Weatherization Assistance Program
(LIWAP) rules to establish eligibility or to establish
priority eligibility for households with certain
characteristics?

X

➔If Yes, are there exceptions?
Please list below.

 X

statutory
references

2605(b)(3)
2605(c)(3)(A)

(outreach)

➔ Please check the outreach activities that you conduct that are designed to assure that eligible households are made award of all LIHEAP assistance available:

 X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

 X place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

 X publish articles in local newspapers or broadcast media announcements.

 X include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

 make mass mailing to past recipients of LIHEAP.

 X informs low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

 X execute interagency agreements with other low-income program offices to perform outreach to target groups.

 X other (Please specify): In 2007/2008, 236,973 households were assisted. 10,931 Work First Family Assistance, 66,837 SSI recipients, 229,149 Food Stamp recipients, and 71,651 SSA recipients received a LIEAP payment. Current Work First, Food Stamp and SSI recipients will be informed that they can apply for heating and crisis assistance at the local county department of social services. All food stamp households active in the Food Stamp Information System (FSIS) as of September 30 will be targeted to receive an automatic energy payment if they meet all LIEAP guidelines. Other households that include the disabled, families with young children, and the elderly may apply for LIEAP assistance at the county department of social services.

statutory
references

2605(b)(4)

➔ Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

LIHEAP is coordinated with the following programs: SSI, Work First, Low Income Energy Assistance Program (LIEAP), Crisis Intervention Program (CIP), Weatherization, State and local Energy Programs, Food and Nutritional Services, and Medicaid.

These programs conduct outreach for the LIHEAP Program.

The goal of the Commission of Indian Affairs is to provide awareness among Native Americans regarding assistance available through various community resources, including help with heating and cooling needs. The Division of Social Services contracts with the Commission to conduct outreach and make referrals to local departments of social services for energy assistance.

2605(b)(5)

2605(b)(2)

2605(b)(8A)

➔ The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

(benefit
levels)

The grantee agrees to make automatic payments for all Food and Nutrition Services households active as of September 30, of the current year, and who meet the LIEAP guidelines. These households must have income at or below 110% of the current Federal poverty level. The grantee, by automated linkage between the Energy System and the Food Stamp Information System (FSIS) will target these food stamp households to receive automatic LIEAP benefits. Other targeted households (disabled, elderly and families with young children) who have an energy burden or are vulnerable to the rising cost of energy may apply for assistance through the LIEAP program at the local county department of social services.

To be eligible for CIP categorically or non-categorically, eligible households must file an application and meet the same eligibility criteria. A heating and cooling assistance household must have income at or below 150% of the current Federal poverty level and must be experiencing or in danger of experiencing a heating and cooling crisis or be vulnerable to the rising cost of energy.

To be eligible for the Weatherization Program, a household must have income at or below 150% of the current Federal poverty level, and it must be cost-effective to weatherize the home. The grantee agrees to weatherize all households determined to be income eligible within the dollars available and consistent with program priorities. The grantee agrees that all households receive equal treatment in the calculation of benefits but not necessarily equal dollars.

statutory
references

HEATING COMPONENT

2605(b)(5) → Please check the variables you use to determine your benefit levels (check all that apply):

(determination
of benefits)

- ☒ income
- ☒ family (household) size
- ☒ home energy cost or need
- ☒ fuel type
- ☒ climate/region
- ☐ individual bill
- ☐ dwelling type
- ☒ energy burden
(% of income spent on home energy)
- ☒ energy need
- ☒ other (describe)

A benefit matrix is prepared using the variables.

2605(b)(5) → Describe how you will assure that the highest
2605(c)(1)(B) benefits go to households with the lowest incomes and the highest energy
costs or needs in relation to income, taking into account family size
(benefit Please describe benefit levels or attach a copy of your payment matrix.
levels)

The benefit amount is based upon the household's situation at the time of application, with the exception of income and resources. Exact benefit levels are determined after all applications are processed. The available money is split among all eligible households with payment levels based on the number in the household, income, fuel type, and heating region.

→ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

X Yes No If Yes, please describe.

**In-kind services such as blankets, space heaters and warm clothing
are provided using crisis intervention funds.**

statutory
references

2605(b)(5)
2605(c)(1)(B)

COOLING COMPONENT**N/A**

(benefit
determination)

➔ Please check the variables you use to determine your benefit levels
(check all that apply):

- ☐ income
☐ family (household) size
☐ home energy cost or need
☐ fuel type
☐ climate/region
☐ individual bill
☐ dwelling type
☐ energy burden
 (% of income spent on home energy)
☐ energy need
☐ other (describe)

2605(b)(5)
2605(c)(1)(B)

(benefit
levels)

➔ Describe how you will assure that the highest
benefits will go to households with the lowest
incomes and the highest energy costs or needs
in relation to income, taking into account family size. Please describe
benefit levels or attach a copy of your payment matrix.

N/A

➔ Do you provide in-kind (e.g. fans) and/or other forms of benefits?

☐ Yes ☐ No If Yes, please describe.

N/A

statutory
references

2605(b)(5)
2605(c)(1)(B)
(benefit
determination

CRISIS COMPONENT

➔How do you handle crisis situations?

 X separate component other (please explain)

➔If you have a separate component, how do you determine crisis assistance benefits?

 X amount to resolve crisis, up to maximum

 other (please describe)

(benefit
levels)

➔Please indicate the maximum benefit for each type of crisis assistance offered.

heating \$ maximum benefit

cooling \$ maximum benefit

year-round \$ 300-\$600 maximum benefit

North Carolina recently implemented policy that requires all 100 counties to submit an annual Low Income Energy Assistance Business Plan. In this plan, counties determine the maximum benefit amount they wish to allocate to households. The benefit amount can range from \$300 - \$600 per State fiscal year. At any time, a county can submit an addendum revising their maximum benefit amount; however, benefits received by a household during the State fiscal year cannot exceed \$600. This policy allows counties to better serve their clients due to the diverse climate in NC and the rising costs of heating sources.

Counties also outline their requirements for eligibility and indicate how crisis funds are used when submitting their Business Plan.

A copy of North Carolina's Business Plan is attached.

➔Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

X Yes No If Yes, please describe.

In-kind services such as blankets, space heaters and warm clothing are provided using crisis intervention funds.

statutory
references

2605(b)(5)
2605(c)(1)
(B) & (D)

**WEATHERIZATION & OTHER ENERGY RELATED
HOME REPAIR AND IMPROVEMENTS**

➔What LIHEAP weatherization services/materials do you provide?
(Check all categories that apply.)

(types of
assistance)

☒ Weatherization needs assessments/audits.
☒ Caulking, insulation, storm windows, etc.
☒ Furnace/heating system modifications/repairs
☒ Furnace replacement
☒ Cooling efficiency mods/repairs/replacement
☒ Other (Please describe) **duct sealing, general heat waste
reduction**

**Note: North Carolina's Heating Appliance Repair and Replacement
Program (HARRP) is operated as a subpart of the Crisis Intervention
Program (CIP) based on the emergency nature of services provided.**

(benefit
levels)

➔Do you have a maximum LIHEAP weatherization benefit/expenditure
per household? _____ Yes ☒ No

If Yes, what is the maximum amount? \$_____

➔Under what rules do you administer LIHEAP weatherization? (Check
only one.)

(types of
rules)

_____ Entirely under LIHEAP (not DOE) rules
☒ Entirely under DOE LIWAP rules
_____ Mostly under LIHEAP rules with the following DOE LIWAP
rule(s) where LIHEAP and LIWAP rules differ (Check all that
apply):

_____ Weatherize buildings if at least 66% of units (50% in 2- &
4-unit buildings) are eligible units or will become eligible within
180 days
_____ Weatherize shelters temporarily housing primarily low
income persons (excluding nursing homes, prisons, and similar
institutional care facilities).
_____ Other (Please describe)

_____ Mostly under DOE LIWAP rules, with the following
LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check
all that apply.)

_____ Weatherization not subject to DOE LIWAP maximum
statewide average cost per dwelling unit.
_____ Other (Please describe.)

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

- ☒ county welfare offices
- ☒ community action agencies (weatherization component only)
- ☒ community action agencies (heating, cooling or crisis)
- ☒ charitable organizations
- ☐ not applicable (i.e. state energy office)
- ☒ tribal office
- ☐ other, describe:

➔ Have you changed local administering agencies from last year?

☐ Yes ☒ No

If Yes, please describe how you selected them.

(agency
designation)

➔ What components are affected by the change?

2605(c)(1)(E) ➔ Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. **(This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)**

(targeting of
assistance)

statutory
references

2605(b)(7)
(energy
suppliers)

➔ Do you make payments directly to home energy suppliers?

Heating ☐ Yes ☒ No

Cooling N/A ☐ Yes ☐ No

Crisis ☒ Yes ☐ No

If Yes, are there exceptions? ☒ Yes ☐ No

If Yes, please describe.

The only exception is for the crisis component (heating or cooling).

The State requires that the applicant for Crisis Intervention (CIP) be notified of the application and the amount of payment paid on his behalf to the vendor if approved. This is done via form DSS-8107 for approvals and denials.

All vendors who agree to accept CIP as payment for energy service must enter into an agreement with the county department of social services to accept it as payment in order to continue or provide heating or cooling service to the recipient household. This agreement meets all assurances requirements in Section 2605(7).

2605(b)(7)(A)

➔ If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

NOTE: For the Crisis Intervention Program (CIP) only.

The State requires that the applicant for the Crisis Intervention Program (CIP) be notified of the application and the amount of payment paid on his behalf to the vendor if approved. This is done via form DSS-8107 for approvals and denials.

2605(b)(7)
(B) & (C)

➔ How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

NOTE: For the Crisis Intervention Program (CIP) only.

Once eligibility has been determined, an applicant is provided a system-generated Approval/Denial Notice (DSS-8107). If eligibility is approved, payment is submitted to the utility provider for the household. North Carolina uses a Home Energy Supplier Agreement (DSS-8163) to ensure vendors do not treat recipients adversely. This contract ensures funds paid on behalf of the recipient are properly applied to the recipient's account to alleviate a heating or cooling emergency. The Home Energy Supplier Agreement meets all assurances in Section 2605(7).

A copy of the DSS-8107 is attached.

statutory
references

2605(b)(8)(B) ➔ Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners
and
renters)

HEATING ASSISTANCE

_____ Yes X No

COOLING ASSISTANCE

_____ Yes _____ No **N/A**

CRISIS ASSISTANCE

_____ Yes X No

WEATHERIZATION

_____ Yes X No

statutory
references

2605(b)(10)

➔How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

North Carolina's Division of Social Services operates under a county administered state supervised system. The county departments of social services determine eligibility for client participation in the heating and crisis components of LIHEAP. Both state and county administrative costs of direct caseworkers are charged directly to the appropriate program and supervisory and overhead costs are allocated in accordance with the cost allocation plan approved by the Department of Health and Human Services, Division of Cost Allocation.

(program,

The North Carolina Department of Health and Human Services fiscal/budget Division tracks in-house and sub grantee and administrative costs. Indirect costs are handled through cognizant agencies prior to the final indirect cost rate being developed.

Expenditures on all components of the LIHEAP are recorded in the NC Division of Social Services' accounting records by Fund, Cost Center and line item. Documentation for county expenditures (administrative costs and crisis assistance) are maintained by the county finance officers.

Documentation of State office expenditures are maintained by the NC Division of Social Services accounting office.

Fiscal

Applications for the crisis component are taken by county Department of Social Services personnel and additional State and local governmental entities or community-based organizations. The applications are processed by the county and are retained by the county.

monitoring,
and audit)

Eligibility data for the heating assistance component is taken from the Food Stamp Information System and entered into the Energy System, which is part of the statewide computer network. Payments are issued by the State Office and mailed directly to the eligible households. The accounting records for these payments are maintained by the NC Division of Social Services.

➔How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

Monitoring of program eligibility for heating assistance and crisis assistance is accomplished by either an on-site review by the Division of Social Services Local Support Staff or self-monitoring by the county department of social services. The Division of Social Services Local Support Staff assigned each county determines which procedure is used. Case records are randomly selected and reviewed. The number of cases reviewed in each county for heating assistance is based on the county size. Three cases per county are reviewed for the crisis program. Corrective action is taken on any deficiencies cited. The Division of Social Services Local Support Staff monitors and evaluates the corrective actions taken by the county. The monitoring forms are audited by the State Auditor's Office each year.

Benefit levels for the heating assistance component are set by the State. Payments are made by the State based on the benefit levels. Benefit levels for the Crisis Intervention Program (CIP) are reviewed as part of the monitoring process described above.

The NC Department of Health and Human Services accounting system records documentation for sub grantee expenditures for Weatherization. The administrative and program costs are maintained at the local level. Disbursements are made monthly based on the receipt of the monthly report from the sub grantees.

Monitoring of program eligibility for Weatherization assistance is accomplished by on-site reviews by NC Department of Health and Human Services/Weatherization Program staff. Programmatic monitors assure that approximately two monitoring visits are made to each sub grantee per year. Two financial monitors visit sub grantees.

➔How is your LIHEAP program audited?

Under the Single Audit Act? X Yes No
If not, please describe:

For States and Territories:

➔Is there an annual audit of local administering agencies? X Yes
No
If not, please explain.

statutory
references

2605(b)(12)

(timely and

meaningful
public

partici-
pation)

➔How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

I. Heating and Crisis

North Carolina agrees to provide for public participation in the development of the plan described in Subsection (c).

In order to meet this requirement, North Carolina distributed copies of the proposed plan to the Division of Social Services office in Raleigh and the proposed plan was made available at the 100 county Departments of Social Services for public review and comments during April 28 – May 2, 2008. The plan was also available on the Internet at www.dhhs.state.nc.us/dss/pubnotice/liheap.htm

Note: North Carolina operates a Crisis Intervention Program (CIP) that serves households who are experiencing a heating or cooling related crisis. North Carolina does not operate a separate Cooling Assistance Program as mentioned on page 10 of the State's LIHEAP Block Grant Plan.

II. Weatherization

The annual application for funding (state plan) for the Weatherization Program is submitted to and approved by the Policy Advisory Council and presented for public hearing prior to submission to the Federal Department of Energy. Copies of the proposed State Plan are mailed to each sub grantee and relevant State agencies along with the Notice of Public Hearing. The Notice of Public Hearing is printed in 4 to 5 newspapers across the State, and copies of the Plan are available on request to any interested individual or organization. The public hearing was held April 3, 2008, at the Weatherization Office, 222 N. Person Street, Raleigh, North Carolina.

2605(a)(2)

(public
hearings)

➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds?

 X Yes No When and where?

(Not required for Tribes and tribal organizations)

On Friday, May 2, 2008 from 2:30pm to 3:30pm in Room 1068 of the Albemarle Building, 325 N. Salisbury Street, Raleigh, the NC Division of Social Services held a general public hearing for the LIHEAP Block Grant. Citizens could comment on the Plan April 28-May 2, 2008.

statutory
references

2605(b)(13)

→ Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair

I. CRISIS AND HEATING

There will be automatic payments for all Food and Nutrition Services households' active as of September 30, 2008, and who meet the LIEAP guidelines. Since eligible households will be identified and selected from the Food Stamp Information System (FSIS), local county departments of social services will only be required to take and process applications for LIEAP walk-ins. Other targeted individuals (the disabled, elderly and households with young children) who have an energy burden or are vulnerable to the rising cost of energy may apply for assistance through the LIEAP Program. For households that apply through CIP for heating or cooling assistance, rights are explained at the time of application. North Carolina issues notices for both approved and denied cases for CIP and LIEAP. The notice includes fair hearing rights. The household has the right to an appeal when:

- a. It is denied the right to apply for benefits; or**
- b. Benefits are denied; or**
- c. A decision is not made on its application in a timely manner; or**
- d. The payment is less than the household believes it should be.**

Households have 60 calendar days from the date on the approval or the denial notice to request a hearing. The hearing can be requested orally or in writing.

The household has a right to request a State hearing only after a local appeal hearing has been held, and a decision has been rendered. The household must request a State appeal within five calendar days from the date of the local hearing decision. The State hearing officer will have 15 calendar days to render a decision.

hearings)

If the household is not satisfied with the final decision following the State hearing, it may, within 30 calendar days of the receipt of the decision, file a petition for judicial review in superior court.

II. WEATHERIZATION

The Weatherization Program provides funds to local community action agencies for the purchase and installation of materials such as ceiling, wall and floor insulation, caulking, and weather-strip on the homes of low-income families, particularly the elderly and handicapped, in order to make homes more efficient, reduce monthly utility bills, and provide a more healthful living environment.

All clients are entitled to a fair hearing if they believe they have been incorrectly denied assistance, or the agency did not act upon their application within a reasonable time.

The North Carolina Energy Division expects the Chief Executive Officer, or his designee, to conduct a fair hearing of the facts and issues with regards to the client's complaint within five workdays of its receipt and expects that the client receive written determination within five workdays of the hearing.

However, all client complaints must first be arbitrated by the contractor. The North Carolina Energy Division does not act upon any client complaint until all avenues of arbitration are exhausted at the contractor level.

If the client complaint is successfully arbitrated at the contractor level, a summary of the hearing proceedings and a copy of the written determination is sent to the North Carolina Energy Division.

If the client and the contractor cannot reach an arbitrated agreement, the contractor must notify the North Carolina Energy Division of such by registered mail. This action must be completed within three workdays of the client's rejection of the determination.

Within three workdays of the receipt of this information, the North Carolina Energy Division notifies the client by registered mail of his right to a fair hearing.

If a client desires a hearing, he must submit a written request to the North Carolina Energy Division. The contractor is

instructed to arrange a time and place for the hearing which is not to exceed five days from the client notification. The Director of the North Carolina Energy Division, or his designee, must be present at the hearing and serve as hearing officer.

Within five workdays of the hearing, the hearing officer must send written determination on behalf of the North Carolina Energy Division, by registered mail, to the client with a copy to the contractor. The determination includes instructions for appealing the determination for the North Carolina Energy Division to the Secretary of Commerce as stated in the Department of Commerce Administration Procedures Manual. If the client elects to appeal to the Secretary, the contractor is required to assist the client in filing the appeal.

statutory
references

2605(b)(15)

For States and Puerto Rico only (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

➔ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

YES

(alternate
outreach
and intake)

HEATING ASSISTANCE

 X Yes No

If Yes, describe alternate process for outreach and intake:

Counties form an interagency committee and include additional State and local governmental entities or community-based organizations as part of the committee. When agencies are first contacted, the county explains the purpose of the Energy Programs, solicit their participation on the committee and their assistance with outreach.

COOLING ASSISTANCE

 Yes No N/A

If Yes, describe alternate process for outreach and intake:

CRISIS ASSISTANCE

 X Yes No

If Yes, describe alternate process for outreach and intake:

I. OUTREACH

At the first committee meeting, it is suggested that the county director or his designee do the following.

- A. Explain LIEAP and CIP; and
- B. Provide informational materials on LIEAP and CIP (e.g., DSS-8117, flyers, manual material); and
- C. Poll the various agencies on the types of assistance they might provide in the outreach effort (e.g., transportation, distribution of informational literature, etc.)

While individual contacts with agencies would be needed during the course of the program, the committee approach helps to ensure coordination and prevent duplication of effort.

II. APPLICATION-TAKING

- A. The requirement for intake may be met in one of three ways.
 - 1. The county may set up outpost locations at one or more of the outside agencies and have a county caseworker take applications.
 - 2. The county may contract out application-taking to one of the outside agencies.
 - 3. The county may have these agencies take applications in addition to the county department of social services.

If the county chooses option 2. or 3. above, the county department must contact the agencies to determine whether they are interested in taking heating or cooling applications. It is suggested that the county department of social services have a Memorandum of Understanding or written agreement with the agency in order to ensure that deadlines and the confidentiality requirements are met.

B. Following are guidelines as to how application-taking requirements may be fulfilled.

1. The county director or his designee must meet with the agencies which will be taking applications and discuss the following.

a. Explanation of LIEAP Application Process

(1) All food stamp households active in the Food Stamp Information System (FSIS) as of September 30, 2008, and who meet the LIEAP guidelines will be automatically eligible for LIEAP payments. The LIEAP eligibility criteria will be obtained at the time the Food Stamp application is taken or a change in situation is processed. All other persons with an energy burden ,or who are vulnerable to the rising cost of energy have the right to apply for the LIEA Program during the application period.

b. Forms needed to take applications for the crisis component and how they will be supplied; and

c. Training needs for staff who will take applications; and

d. Coordination procedures between the county department of social services and other agencies; and

e. Critical time frames for receiving applications; and

f. Procedures to avoid duplication; and

g. Memorandum of Understanding or written agreement.

2. County Department's Responsibility

a. Training the other agency staff to take and process CIP applications; and

- b. Maintaining fiscal responsibility for the programs; and
- c. Maintaining confidentiality of information in case records; and
- d. Requesting and verifying information needed to process automatic and non-automatic LIEAP, and CIP benefits.

III. OUTREACH AND APPLICATION-TAKING PLAN

Each county is required to submit yearly a Low Income Energy Assistance Business Plan, which addresses outreach and application-taking activities for CIP benefits.

statutory
references

2605(b)(16)

→ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

 X Yes No

If Yes, please describe these activities.

The DSS-8161, How to Keep Warm and Cut Your Fuel Bill, a 24-page document, is provided to applicants to educate, encourage and enable households to reduce their home energy needs and thereby the need for Energy assistance. This document is provided as a part of counseling and client education for recipients of LIEAP, CIP and community-based funds. The cost is included in North Carolina's Administrative and Planning Costs line item of the LIHEAP Block Grant.

Note: North Carolina currently has a supply of the DSS-8161, How to Keep Warm and Cut Your Fuel Bill, and anticipates no additional cost for this fiscal year.

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

statutory
references

2607A

(leveraging)

➔ Please describe leveraging activities planned for the fiscal year. **(This entry is optional.)*** Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

The State, non-profit agencies, and county Departments of Social Services receive in-kind contributions and money from fuel funds, city and county governments, and private citizens and corporations. Non-profit agencies and county Departments of Social Services sign guarantees of deposits for utilities. A utility company has a rate reduction program for SSI recipients. The funds received, deposit guarantees, and rate reduction program assist persons with energy expenses who meet the federal LIHEAP eligibility guidelines.

Examples of fuel funds are Progress Energy's Energy Neighbor Program and Piedmont Natural Gas' Share the Warmth Program, whom contribute money to the State for disbursement to counties in their service area.

Examples of the other programs listed above are Crisis Assistance Ministry (non-profit agency) in Mecklenburg County, which guarantees deposits for utilities, distributes donated fuel oil, and disburses funds donated by the City of Charlotte, Mecklenburg County, and private citizens and corporations. Wake County Human Services guarantees deposits for utilities and disburses contributions from private citizens and corporations which help pay utility bills, buy fans, purchase heating fuels, etc., for client energy needs.

All of the above programs, except the rate reduction program, are considered prior to, or in conjunction with, the use of LIHEAP crisis funds. Many of the agencies disbursing the funds administer the above programs and the Crisis Program under LIHEAP. Other agencies coordinate with the agencies that administer the Crisis Program under LIHEAP before disbursing funds. There is no duplication of benefits.

* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

statutory
references

2605(b)

➔ Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)**

(performance)
goals and
measures)

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- * **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT)**
- * **Debarment and suspension certification**, which must be filed by all grantees.
- * **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: _____
- * One of the new requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than \$200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.
- * Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.